

*Application No. 10/797996*  
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**MAY 01 2007**  
*Amendment*  
*Attorney Docket No. S63.2Q-7182-US02*

#### **Remarks**

This Amendment is in response to the Office Action dated **February 1, 2007**. In the Office Action, an election requirement is required; claims 18 and 23 were objected to because of informalities; claim 25 was rejected under 35 USC 112; claims 18 and 23-26 were rejected under 35 USC 103(a) as being unpatentable over Crocker (5,843,116) in view of Gore (3,953,566).

The following comments are presented in the same order, with section headings, as the Office Action.

#### **Election/Restriction**

The Office Action asserts that there are three patentably distinct species. Applicants provisionally elected, with traverse, to prosecute claims 18 and 23-26 but asserts that claims 14-17 and 19-22 are so closely related that they can be examined together.

#### **Claim Objections**

In the Office Action, claims 18 and 23 were objected to because of informalities. Specifically, both claims recite that they are dependent on deleted claim 1. Applicants have amended claims 18 and 23 to eliminate the informality noted. No new matter was added

#### **35 USC 112**

In the Office Action, claim 25 was rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action, states that "[a] claim

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where a variable is "predetermined" is indefinite where it means only that the variable is determined ahead of time."

The rejection is not understood. The meaning of the term is understandable and in fact is correctly understood by the Examiner. Since it is understandable, by definition, it is not indefinite. Applicants request withdrawal of the rejection.

### **35 USC 103**

In the Office Action, claims 18 and 23-26 were rejected under 35 USC 103(a) as being unpatentable over Crocker (5,843,116) in view of Gore (3,953,566).

Instant independent claim 18 includes the recitation:

"providing first, second and third tubes, the second tube formed of a tube made of a material selected from the group consisting of fluoropolymers and high density polyethylene"

The Office Action asserts that:

Crocker appears to be silent to the second tube formed of a tube made of material selected from the group consisting of fluoropolymers and high density polyethylene. However, Crocker clearly suggests cross-linked polyethylene (5:35-39), and it is the Examiner's position that cross-linking would produce a polyethylene having a "high density", as claimed.

Applicants assert that cross-linked polyethylene is different from high density polyethylene. There are many different commercially recognized categories of polyethylene based mostly on their density and branching. All of these are thermoplastic material. "Cross-linked polyethylene" on the other hand is a polyethylene that has been subsequently modified by linking its molecules to each other in a way that changes the fundamental property from a thermoplastic to a thermoset. Therefore, cross-linked polyethylene is fundamentally different

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from high density polyethylene (which remains a thermoplastic material) and does not suggest use of high density polyethylene.

The Office Action asserts that

“in the alternative, Gore teaches a PTFE (a fluoropolymer) tubular product ... which would have been suitable for use in Crocker’s method as the expansion limiting bands (Crocker, 5:28-30)”

In Crocker, the expansion limiting bands 40/44 are made of nondistensible material such as nylon, polyamide, Kvar fiber, cross-linked polyethylene and others. These materials are inelastic. Gore does not teach or suggest that the tetrafluoroethylene polymer is inelastic or nondistensible, as required for the expansion limiting bands of Crocker and does not teach that the PTFE is an equivalent of any of Crocker’s listed materials. Therefore, there would have been no motivation to use the tetrafluoroethylene polymer of Gore for the expansion limiting bands 40/44 of Crocker.

Instant independent claim 23 includes the recitation:

“providing first, second and third tubes, the second tube formed of expanded PTFE”

The Office Action asserts that:

Crocker is silent to the second tube formed of expanded PTFE. However, Gore teaches a PTFE (a fluoropolymer) tubular product (14:17-20) having a dense structure and extremely high strength which would have been suitable for use in Crocker’s method as the expansion limiting bands (Crocker, 5:28-30)

As discussed above, the expansion limiting bands 40/44 of Crocker are made of nondistensible material. Gore does not teach or suggest that the tetrafluoroethylene polymer is inelastic or nondistensible, as required for the expansion limiting bands of Crocker and does not

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teach that the PTFE is an equivalent of any of Crocker's listed materials. Therefore, there would have been no motivation to use the tetrafluoroethylene polymer of Gore for the expansion limiting bands 40/44 of Crocker.

For at least these reasons, it is not obvious to combine Crocker and Gore. Applicants request withdrawal of the rejection and assert that claims 18 and 23-26 are in condition for allowance.

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**Conclusion**

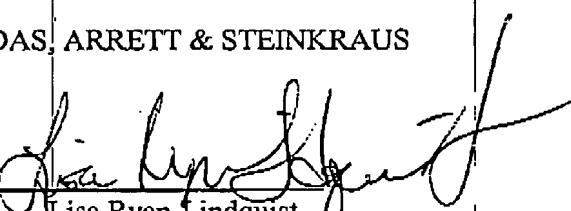
Based on at least the above, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 18 and 23-26 is requested.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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